

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

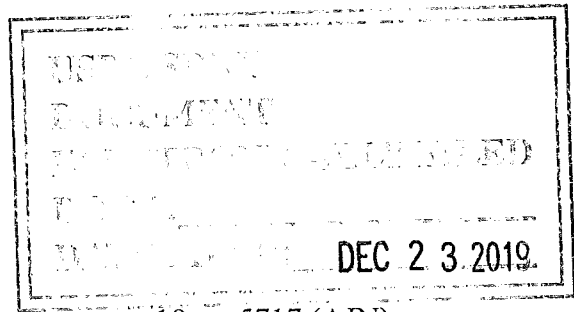
Pedro Saenz,

Plaintiff,

—v—

S.W. Management LLC, *et al.*,

Defendant.



19-cv-5717 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On October 30, 2019, the parties informed the Court that this action, brought under the Fair Labor Standards Act and New York Labor Law, had settled. Dkt. No. 23. On October 31, 2019, the Court ordered the parties to submit their settlement agreement to the Court, so that the Court could scrutinize its fairness. Dkt. No. 24; *see Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015).

On December 9, 2019, the Court received Plaintiff's motion to approve the settlement. Dkt. No. 28. Plaintiff attached a copy of the parties' agreement, but it was signed only by the Plaintiff. Nonetheless, Plaintiff asked the Court to approve the settlement, alleging that Plaintiff had "accepted the agreement" sent to him by Defendants via email. *Id.* at 2. On December 10, 2019, the Court received a letter from Defendants asking the Court to reject the settlement because it "is not final and does not accurately reflect the agreement between the parties." Dkt. No. 29 at 2. On December 11, the Court received Plaintiff's reply.


The parties are hereby ordered to submit briefing on the following question: Did Plaintiff's signature, dated November 30, 2019, on the agreement sent to him by Defendant on November 25, 2019 create an enforceable contract? *See Winston v. Mediafare Entm't Corp.*, 777

F.2d 78, 80 (2d Cir. 1985) (discussing factors that “help determine whether the parties intended to be bound in the absence of a document executed by both sides.”).

Plaintiff is ordered to submit its brief no later than January 6, 2020. Defendant is ordered to submit its brief no later than January 20, 2020. Opening briefs must be no longer than fifteen pages. Plaintiff may then file a reply, of no more than eight pages, no later than January 27, 2020.

SO ORDERED.

Dated: December 23, 2019  
New York, New York

  
ALISON J. NATHAN  
United States District Judge